

AMENDED IN SENATE JUNE 10, 2014

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1194**

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**Introduced by Assembly Members ~~Member Ammiano and V.~~  
Manuel Pérez  
(Coauthors: ~~Assembly Members Alejo, Levine, and Pan~~)**

February 22, 2013

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An act to amend Section 2333.5 of the ~~Streets and Highways Code~~  
*13956 of the Government Code*, relating to ~~transportation~~ *crime victims*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1194, as amended, Ammiano. ~~Safe Routes to School Program.~~  
*Crime victims.*

*Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award.*

*Existing law provides that an application for compensation may be denied if the board finds that denial is appropriate because of the nature of the victim's or other applicant's involvement in the events leading to the crime or the involvement of the person whose injury or death gives rise to the application.*

*This bill would, notwithstanding those provisions, prohibit an application for compensation from being denied based upon the applicant's involvement in events leading up to the crime if the applicant was the victim of sexual assault or domestic violence, as described in specified provisions.*

*Existing law prohibits a person who is convicted of a felony from being granted compensation until that person has been discharged from probation or has been released from a correctional institution and has been discharged from parole, if any. Existing law also prohibits compensation from being granted to an applicant during any period of time the applicant is held in a correctional institution. Existing law also requires applications of victims who are not felons to receive priority in the award of compensation over an application submitted by a felon.*

*This bill would exclude persons who are victims of sexual assault or domestic violence, as described in specified provisions, from these provisions.*

~~Existing law creates the Safe Routes to School Program, administered by the Department of Transportation in consultation with the Department of the California Highway Patrol. Existing law requires the Department of Transportation to award grants to local government agencies based on the results of a statewide competition, under which proposals submitted for funding are rated based on various factors. Existing law provides for the program to be funded from state and federal funds, as specified.~~

~~This bill would provide that the program may fund both construction and noninfrastructure activities, as specified. The bill would require 20% of program funds to be used for noninfrastructure activities, as specified. The bill would authorize the transfer of the responsibility for selecting projects and awarding grants from the Department of Transportation to the California Transportation Commission, at the discretion of the Transportation Agency. The bill would require the Department of Transportation to employ a full-time coordinator to administer the program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 13956 of the Government Code is  
2     amended to read:

1 13956. Notwithstanding Section 13955, a person shall not be  
2 eligible for compensation under the following conditions:

3 (a) An application shall be denied if the board finds that the  
4 victim or, ~~where~~ *if* compensation is sought by or on behalf of a  
5 derivative victim, either the victim or derivative victim, knowingly  
6 and willingly participated in the commission of the crime that  
7 resulted in the pecuniary loss for which compensation is being  
8 sought pursuant to this chapter. However, this subdivision shall  
9 not apply if the injury or death occurred as a direct result of a crime  
10 committed in violation of Section 261, 262, or 273.5 of, or a crime  
11 of unlawful sexual intercourse with a minor committed in violation  
12 of subdivision (d) of Section 261.5 of, the Penal Code.

13 (b) (1) An application shall be denied if the board finds that  
14 the victim or, ~~where~~ *if* compensation is sought by, or on behalf of,  
15 a derivative victim, either the victim or derivative victim failed to  
16 cooperate reasonably with a law enforcement agency in the  
17 apprehension and conviction of a criminal committing the crime.  
18 However, in determining whether cooperation has been reasonable,  
19 the board shall consider the victim's or derivative victim's age,  
20 physical condition, and psychological state, cultural or linguistic  
21 barriers, any compelling health and safety concerns, including, but  
22 not limited to, a reasonable fear of retaliation or harm that would  
23 jeopardize the well-being of the victim or the victim's family or  
24 the derivative victim or the derivative victim's family, and giving  
25 due consideration to the degree of cooperation of which the victim  
26 or derivative victim is capable in light of the presence of any of  
27 these factors.

28 (2) An application for a claim based on domestic violence may  
29 not be denied solely because no police report was made by the  
30 victim. The board shall adopt guidelines that allow the board to  
31 consider and approve applications for assistance based on domestic  
32 violence relying upon evidence other than a police report to  
33 establish that a domestic violence crime has occurred. Factors  
34 evidencing that a domestic violence crime has occurred may  
35 include, but are not limited to, medical records documenting  
36 injuries consistent with allegations of domestic violence, mental  
37 health records, or the fact that the victim has obtained a temporary  
38 or permanent restraining order, or all of these.

39 (3) An application for a claim based on human trafficking as  
40 defined in Section 236.1 of the Penal Code may not be denied

1 solely because no police report was made by the victim. The board  
2 shall adopt guidelines that allow the board to consider and approve  
3 applications for assistance based on human trafficking relying  
4 upon evidence other than a police report to establish that a human  
5 trafficking crime as defined in Section 236.1 *of the Penal Code*  
6 has occurred. That evidence may include any reliable corroborating  
7 information approved by the board, including, but not limited to,  
8 the following:

9 (A) A Law Enforcement Agency Endorsement issued pursuant  
10 to Section 236.2 of the Penal Code.

11 (B) A human trafficking caseworker as identified in Section  
12 1038.2 of the Evidence Code, has attested by affidavit that the  
13 individual was a victim of human trafficking.

14 (c) ~~An~~ *Except as otherwise provided in this subdivision, an*  
15 *application for compensation may be denied, in whole or in part,*  
16 *if the board finds that denial is appropriate because of the nature*  
17 *of the victim's or other applicant's involvement in the events*  
18 *leading to the crime or the involvement of the persons whose injury*  
19 *or death gives rise to the application.* ~~In~~

20 (1) *In the case of a minor, the board shall consider the minor's*  
21 *age, physical condition, and psychological state, as well as any*  
22 *compelling health and safety concerns, in determining whether*  
23 *the minor's application should be denied pursuant to this section.*  
24 *The application of a derivative victim of domestic violence under*  
25 *the age of 18 years of age or a derivative victim of trafficking*  
26 *under 18 years of age may not be denied on the basis of the denial*  
27 *of the victim's application under this subdivision.*

28 (2) *No application for compensation may be denied based upon*  
29 *the applicant's involvement in events leading up to the crime if*  
30 *the applicant was the victim of sexual assault or domestic violence*  
31 *as described in Section 261, 262, 264, 264.1, 273.5, 285, 288a, or*  
32 *289 of the Penal Code.*

33 (d) (1) Notwithstanding Section 13955, no person who is  
34 convicted of a felony may be granted compensation until that  
35 person has been discharged from probation or has been released  
36 from a correctional institution and has been discharged from parole,  
37 if any. In no case shall compensation be granted to an applicant  
38 pursuant to this chapter during any period of time the applicant is  
39 held in a correctional institution.

1 (2) A person who has been convicted of a felony may apply for  
2 compensation pursuant to this chapter at any time, but the award  
3 of that compensation may not be considered until the applicant  
4 meets the requirements for compensation set forth in paragraph  
5 (1).

6 (3) Applications of victims who are not felons shall receive  
7 priority in the award of compensation over an application submitted  
8 by a felon who has met the requirements for compensation set  
9 forth in paragraph (1).

10 (4) *This subdivision shall not apply to any victim of sexual*  
11 *assault or domestic violence as described in Section 261, 262, 264,*  
12 *264.1, 273.5, 288a, or 289 of the Penal Code.*

13 ~~SECTION 1. Section 2333.5 of the Streets and Highways Code~~  
14 ~~is amended to read:~~

15 ~~2333.5. (a) The department, in consultation with the~~  
16 ~~Department of the California Highway Patrol, shall establish and~~  
17 ~~administer a "Safe Routes to School" program with the following~~  
18 ~~elements:~~

19 ~~(1) Construction of bicycle and pedestrian safety and traffic~~  
20 ~~calming projects.~~

21 ~~(2) Noninfrastructure-related activities to encourage walking~~  
22 ~~and bicycling to school, including public awareness campaigns~~  
23 ~~and outreach to press and community leaders, traffic education~~  
24 ~~and enforcement in the vicinity of schools, student sessions on~~  
25 ~~bicycle and pedestrian safety, health, and environment, and funding~~  
26 ~~for training, volunteers, and managers of safe routes to school~~  
27 ~~programs.~~

28 ~~(b) The department shall award grants to local governmental~~  
29 ~~agencies under the program based on the results of a statewide~~  
30 ~~competition that requires submission of proposals for funding and~~  
31 ~~rates those proposals on all of the following factors:~~

32 ~~(1) Demonstrated needs of the applicant.~~

33 ~~(2) Potential of the proposal for reducing child injuries and~~  
34 ~~fatalities.~~

35 ~~(3) Potential of the proposal for encouraging increased walking~~  
36 ~~and bicycling among students.~~

37 ~~(4) Identification of safety hazards.~~

38 ~~(5) Identification of current and potential walking and bicycling~~  
39 ~~routes to school.~~

~~(6) Use of a public participation process, including, but not limited to, a public meeting that satisfies all of the following:~~

~~(A) Involves the public, schools, parents, teachers, local agencies, the business community, key professionals, and others.~~

~~(B) Identifies community priorities and gathers community input to guide the development of projects included in the proposal.~~

~~(C) Ensures that community priorities are reflected in the proposal.~~

~~(D) Secures support for the proposal by relevant stakeholders.~~

~~(7) Benefit to a low-income school, defined for purposes of this section to mean a school where at least 75 percent of students are eligible to receive free or reduced-price meals under the National School Lunch Program.~~

~~(e) Any annual budget allocation to fund grants described in subdivision (b) shall be in addition to any federal funding received by the state that is designated for "Safe Routes to School" projects pursuant to Section 1404 of SAFETEA-LU or any similar program funded through a subsequent transportation act.~~

~~(d) Any federal funding received by the state that is designated for "Safe Routes to School" projects shall be distributed by the department under the competitive grant process, consistent with all applicable federal requirements.~~

~~(e) Prior to the award of any construction grant or the department's use of those funds for a "Safe Routes to School" construction project encompassing a freeway, state highway, or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the "Safe Routes to School" proposal complements the California Highway Patrol's Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.~~

~~(f) The department is encouraged to coordinate with law enforcement agencies' community policing efforts in establishing and maintaining the "Safe Routes to School" program.~~

~~(g) In the development of guidelines and procedures governing this program, the department shall fully consider the needs of low-income schools.~~

~~(h) Up to 10 percent of program funds may be used to assist eligible recipients in making infrastructure improvements, other~~

1 ~~than schoolbus shelters, that create safe routes to schoolbus stops~~  
2 ~~that are located outside the vicinity of schools.~~

3 ~~(i) At the discretion of the Transportation Agency, the~~  
4 ~~responsibility for selecting projects and awarding grants under this~~  
5 ~~section pursuant to the statewide competitive grant process may~~  
6 ~~be transferred from the department to the commission.~~

7 ~~(j) Twenty percent of program funds shall be used for~~  
8 ~~noninfrastructure-related activities as described in paragraph (2)~~  
9 ~~of subdivision (a). Up to 20 percent of the funds used for~~  
10 ~~noninfrastructure-related activities shall be used for a statewide~~  
11 ~~technical assistance resource center.~~

12 ~~(k) The department shall employ a full-time safe routes to school~~  
13 ~~coordinator to administer the Safe Routes to School program.~~